

NO. PD-0243-20

**IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
10/1/2020
DEANA WILLIAMSON, CLERK

**SANDRA JEAN MELGAR
VS.
THE STATE OF TEXAS**

**ON DISCRETIONARY REVIEW FROM THE
COURT OF APPEALS FOR THE
FOURTEENTH SUPREME JUDICIAL DISTRICT OF TEXAS
AT HOUSTON
CASE NUMBER 14-17-00932-CR**

**Appeal from the District Court
of Harris County, Texas
178TH Judicial District
Trial Cause Number 1435566**

**MOTION TO EXTEND TIME WITHIN WHICH TO FILE BRIEF FOR
APPELLANT ON PETITION FOR DISCRETIONARY REVIEW**

TO THE HONORABLE JUDGES OF SAID COURT:

NOW COMES, SANDRA JEAN MELGAR, appellant in the above-styled and numbered cause, and pursuant to Tex. R. App. P., 10.5(b) and 38.6(d), files this Motion to Extend Time Within Which to File Brief for Appellant on Petition For Discretionary Review, and for cause would show the Court the following:

I.

By judgment dated August 24, 2017, appellant was convicted of the offense of murder in Cause Number 1435566 in the 178th District Court of Harris County, Texas, styled *The State of Texas v. SANDRA JEAN MELGAR*. Her punishment was assessed at twenty-seven (27) years imprisonment in the Texas Department of Criminal Justice's Institution Division and a fine of \$10,000.00.

II.

On August 19, 2020, this Court granted the Appellant's Petition for Discretionary Review.

III.

The appellate brief is due to be filed with the Court on or before October 5, 2020.

IV.

Appellant requests an additional thirty (30) days until November 4, 2020, to file the appellate brief.

V.

There has been one previous extension of time requested. Undersigned counsel filed a Motion to Extend Time Within Which to File Brief for Appellant on Petition for Discretionary Review on September 9, 2020 which was granted the same date. However, that motion was resolved by the Clerk's office and not by the Court itself,

and only a 15 day extension was granted apparently based on this Court's internal rules.¹

VI.

For good cause, appellant would show that the record on appeal in this matter is lengthy, over 3,000 pages. The reporter's record consists of approximately 2,112 pages and the clerk's record consists of 920 pages. *In addition*, there were approximately 1,067 exhibits admitted into evidence. (There are seventeen (17) volumes of the reporters record.) The trial in this matter lasted nearly three weeks. The issue for this Court to resolve based on the Grounds for Review granted is whether the evidence adduced at trial is legally sufficient to support the verdict and judgment. The evidence is intricate and a proper analysis of it and the case law requires that additional time be expended on drafting Appellant's Brief.

In addition, counsel has been working virtually around the clock preparing for a federal evidentiary sentencing hearing in a case styled *United States v. Saquer*, Cause No. H-19-475, which is pending before Chief Judge Lee Rosenthal of the United States District Court for the Southern District of Texas. This is a very complex health care fraud prosecution which includes issues concerning the death of patients and

¹The undersigned counsel spoke with a Deputy Clerk in the Clerk's office of the Court by telephone and was apprised that was the reason the request for thirty (30) days was not granted.

whether the defendant should be held accountable for their deaths. The evidentiary hearing began on September 29th and continued on September 30, 2020. The case will resume on October 6, 2020 and is expected to conclude on that date. This hearing was scheduled before the Court granted Appellant's Petition for Discretionary Review and the undersigned counsel simply has not had adequate time to complete the drafting of Appellant's Brief in this case.

WHEREFORE, PREMISES CONSIDERED, appellant respectfully prays that this motion be granted and that the Court permit an extension of time to file the appellate brief on or before November 4, 2020.

Respectfully submitted,

/s/ George M. Secrest, Jr.

GEORGE McCALL SECREST, JR.

State Bar No. 17973900

BENNETT & SECREST, PLLC

1545 Heights Blvd., Suite 800

Houston, Texas 77008

(713) 757-0679

(713) 650-1602 (FAX)

Allison Secrest

State Bar No. 24054622

1545 Heights Blvd., Suite 700

Houston, Texas 77008

(713) 222-1212

Attorneys for the Defendant,

SANDRA JEAN MELGAR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was delivered to Mr. Clinton Morgan, morgan_clinton@dao.hctx.net and Ms. Stacey Soule, information@spa.texas.gov, on this 1ST day of October, 2020.

/s/ George M. Secrest, Jr.

GEORGE McCALL SECREST, JR.